



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, APRIL 4, 2001

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Building Division

Steve Pennington, Code Enforcement Officer

Finance Department

Chu Thai, Budget Manager

Marla Anderson, Accounting Assistant I

EMPLOYEE RECOGNITION

Pam Henley, Support Services Specialist II
Chiara Klaver, Support Services Specialist II
Tony Marquez, Support Services Specialist II
Paula Rodriguez, Support Services Specialist III
Connie Shepard, Support Services Specialist II

PROCLAMATION

Sexual Assault Awareness Week

CITY COUNCIL REPORT

Mayor Pro Tempore Sellers

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK. THE CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #6 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- | | |
|----|---|
| 1) | <u>PURCHASE OF RECYCLING CONTAINERS</u> 1
<u>Recommended Action:</u> <u>Approve</u> Purchase of Recycling Containers. |
| 2) | <u>AWARD PROFESSIONAL SERVICES CONTRACT FOR DESIGN OF MAIN STREET REPLACEMENT WELL</u> 3
<u>Recommended Action:</u> <u>Authorize</u> the City Manager to Execute An Agreement with Luhdorff & Scalmanini for the Design of the Main Street Replacement Well in the Amount of \$33,992. |
| 3) | <u>AMENDMENT TO CONTRACT WITH CAROLLO ENGINEERS FOR STORM</u> |

	<u>DRAIN MASTER PLAN</u>	9
	<u>Recommended Actions:</u> <u>Approve</u> an Amendment to the Contract with Carollo Engineers for the Storm Drain Master Plan in the Amount of \$6,900 and <u>Authorize</u> the City Manager to Execute the Agreement.	
4)	<u>ACCEPTANCE OF THE CONSTRUCTION OF BUTTERFIELD BOULEVARD, PHASE III IMPROVEMENTS PROJECT</u>	11
	<u>Recommended Actions:</u>	
	1. <u>Accept</u> as Complete the Construction of Butterfield Boulevard, Phase III Improvements Project in the Final Amount of \$1,662,640, and	
	2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
5)	<u>CITY POSITION ON STATE LEGISLATION</u>	15
	<u>Recommended Action:</u> <u>Direct</u> Staff to Prepare Letters Stating the City's Legislative Position for the Mayor's Signature	
6)	<u>REDUCED RISK PESTICIDE ORDINANCE</u>	17
	<u>Recommended Action:</u> <u>Provide</u> Direction to Staff	

PUBLIC HEARINGS:

	Time Estimate		Page
7)	15 minutes	<u>OUT OF AGENCY SERVICE REQUEST, OSR-00-04: BURNETT - KAWAHARA</u>	19
		<u>Recommended Action:</u> Request Staff Presentation.	
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action - <u>Motion to Deny</u> Request for Water Service.	
		Should the Council wish to approve the request, then	
		Action - <u>Motion to Approve</u> Resolution Which Forwards the Request to LAFCO.	
8)	10 minutes	<u>PREZONE APPLICATION, ZA-00-16: WEST EDMUNDSON-PINN</u>	27
		<u>Recommended Action:</u> Request Staff Presentation.	
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action - <u>Motion to Waive</u> the first and second readings of	
		Prezone Ordinance No. 1504, New Series	
		Action - <u>Motion to Introduce</u> Ordinance No. 1504, New Series (roll call vote)	

- 9) 15 minutes **GENERAL PLAN AMENDMENT, GPA-00-05/ZONING AMENDMENT, ZA-00-22: MADRONE PARKWAY-TBI** 39
-
- Recommended Action:** Request Staff Presentation.
- Public Hearing Opened.
- Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.
- Council Discussion.
- Action -** **Motion to Adopt** Resolution No. 5465, approving the General Plan Amendment
- Action -** **Motion to Waive** Reading in Full of Ordinance No. 1505, New Series (zoning amendment)
- Action -** **Motion to Introduce** Ordinance, (roll call vote)
-
- 10) 10 minutes **GENERAL PLAN AMENDMENT, GPA-00-04/ZONING AMENDMENT, ZA-00-20: SORREL-HERITAGE GROVE** 59
-
- Recommended Action:** Request Staff Presentation.
- Public Hearing Opened.
- Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.
- Council Discussion.
- Action -** **Motion to Adopt** Resolution denying the General Plan and Zoning Amendment
-
- Should the City Council wish to approve the General Plan and Zoning Amendments, then
- Action -** **Motion to Continue** the applications to May 2, 2001 to allow staff to return with a Resolution and Ordinance for City Council consideration.
-
- 11) 5 minutes **SOLID WASTE MANAGEMENT RATE ADJUSTMENT** 75
-
- Recommended Action:** Request Staff Presentation.
- Public Hearing Opened.
- Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.
- Council Discussion.
- Action -** **Motion to Adopt** Resolution. No. 5464 approving the Refuse Rate Adjustment.

OTHER BUSINESS:

- | | Time Estimate | | Page |
|-----|---------------|---|------|
| 12) | 10 minutes | <u>REQUEST TO EXTEND THE APPLICATION FILING PERIOD FOR THE RECRUITMENT OF ARCHITECTURAL AND SITE REVIEW BOARD (ARB) MEMBERS</u> 83 | |
| | | Recommended Actions: | |
| | | 1. <u>Authorize</u> Staff to Extend the Application Filing Period for the Recruitment of ARB members to April 20, 2001 and | |
| | | 2. <u>Direct</u> Staff to Schedule ARB Applicant Interviews on May 2, 2001. | |

City Council & Redevelopment Agency Action

CONSENT CALENDAR: Consent Calendar Agenda Item #13 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	

13)	<u>APPROVAL OF JOINT REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MARCH 21, 2001</u>	87
	

OTHER BUSINESS:

Time Estimate	Page
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14)	15 minutes	<u>INVESTMENT POLICY UPDATE</u> 113 <u>Recommended Actions:</u> 1. <u>Review</u> and <u>Adopt</u> the Updated Investment Policy for the City 2. <u>Review</u> and <u>Adopt</u> the Updated Investment Policy for the Redevelopment Agency	
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City Council & Redevelopment Agency Action

CLOSED SESSIONS:

1.
CONFERENCE WITH LEGAL COUNSEL (POTENTIAL LITIGATION) AND CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Legal Authority: Government Code 54956.8, 54956.9(b), & 54956.9(c) (1 potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property)
City Negotiators: City Council/Agency Members; City Manager/Executive Director; City Attorney/Agency Counsel; and Special Counsel
For Property Owner: San Jose Christian College representatives
Closed Session Topic/Under Negotiations: Potential Litigation & Price and Terms of Payment

2.
CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)
Name of Case: City of San Jose v Morgan Hill Unified School District, City of Morgan Hill and South San Jose Interests; Santa Clara County Superior Court

3.

CONFERENCE WITH LEGAL COUNSEL (POTENTIAL LITIGATION) & CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54946.9(c)
Property: APN 825-06-002, 003, 029, 030; 36.6 acres (Railroad/Maple - Butterfield Retention Basin Site)
Negotiating Parties:
For City: City Manager; Public Works Director
For Property Owners: Costa Family Partners
Closed Session Topic/Under Negotiation: Potential Litigation & Price and Terms of Payment

4.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8
Property: APN 817-13-001; 37.8 acres (soccer complex)
Negotiating Parties:
For City: City Manager, City Attorney, Public Works Director
For Property Owners: Tadashi & Alice A. Kadonaga, Trustee
Under Negotiation: Price and Terms of Payment

5.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8
Real Property Involved: 10.0, 18.90, and 0.05 acre parcels located on the east side of Condit Road, bounded by Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APNs 817-13-001, 017, and 033)
City/Agency Negotiators: City Manager/Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
Closed Session Topic: Acquisition of Real Property

6.

CONFERENCE WITH LABOR NEGOTIATORS

Legal Authority: Government Code Section 54957.6
Agency Negotiators: City Manager, Assistant to the City Manager, City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE:

CLOSED SESSION ANNOUNCEMENT

FUTURE AGENCY-INITIATED AGENDA ITEMS:

This is an Opportunity for Members of the Redevelopment Agency to Request Items for Future Agendas. Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT